Docket No. AUS9-2000-0489-US1 *PATENT*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Cole et al.**	§	
	§	Group Art Unit: **2124**
Serial No. **09/726,014**	§	
	§	Examiner: **Nahar, Qamrun**
Filed: **November 29, 2000**	§	
	§	
For: **Business Systems Management: Realizing End-to-End Enterprise Systems Management Solution**	§	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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APPEAL BRIEF (37 C.F.R. 41.37)

This brief is in furtherance of the Notice of Appeal, filed in this case on November 22, 2004.

The fees required under § 41.20(B)(2), and any required petition for extension of time for filing this brief and fees therefore, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

REAL PARTY IN INTEREST

The real party in interest in this appeal is the following party: International Business Machines Corporation, as reflected in the Assignment recorded on November 29, 2000, at Reel 011344, Frame 0636.

RELATED APPEALS AND INTERFERENCES

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no such appeals or interferences.

STATUS OF CLAIMS

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

Claims in the application are: 1-18.

B. STATUS OF ALL THE CLAIMS IN APPLICATION

1. Claims canceled: None.
2. Claims withdrawn from consideration but not canceled: None.
3. Claims pending: 1-18.
4. Claims allowed: None.
5. Claims rejected: 1-18.
6. Claims objected to: 7 and 13

C. CLAIMS ON APPEAL

The claims on appeal are: 1-18.

STATUS OF AMENDMENTS

There are no amendments after the Final Rejection that was mailed August 26, 2004.

SUMMARY OF CLAIMED SUBJECT MATTER

Applicants' independent claim 1 describes a method for integrating information technology components into a single end-to-end application. (Specification page 3, line 4-29.) A business process is decomposed into a set of enabling applications. (Specification page 3, line 4-29 and page 11, lines 10-31.) The technology elements and support organizations which are necessary to execute and manage the enabling applications of the business process are documented. (Specification page 3, line 4-29 and page 12, lines 2-13.) Monitors required for the business process enabling technology are deployed. (Specification page 3, line 4-29 and page 12, lines 2-13.) Cross-platform contextual correlation logic and rules are developed. (Specification page 3, line 4-29 and page 13, line 24 through page 14, line 33.) Information technology severity is mapped to business impact severity. (Specification page 3, line 4-29 and page 12, line 19 through page 13, line 1.) The mapping describes how technical problems relate to business processes including the business process. (Specification page 3, line 4-29 and page 12, line 19 through page 13, line 1.) The mapping is used to quantify business losses due to particular technical failures. (Specification page 3, line 4-29 and page 12, line 19 through page 13, line 1.) An end-to-end business process event management platform is developed. (Specification page 3, line 4-29 and page 14, lines 2-11.)

Applicants' independent claim 7 describes a computer program product in a computer readable medium for use in a data processing system for integrating information technology components into a single end-to-end application. (Specification page 3, line 4-29.) The product includes: instructions for decomposing a business process into a set of enabling applications (Specification page 3, line 4-29 and page 11, lines 10-31.), instructions for documenting the technology elements and support organizations which are necessary to execute and manage the enabling applications of the business process (Specification page 3, line 4-29 and page 12, lines 2-13.), instructions for deploying required monitors for the business process enabling technology (Specification page 3, line 4-29 and page 12, lines 2-13.), instructions for the development of cross-platform contextual correlation logic and rules (Specification page 3, line 4-29 and page 13, line 24 through page 14, line 33.), instructions for mapping information technology severity to business impact severity (Specification page 3, line 4-29 and page 12, line 19 through page

13, line 1.), where the mapping describes how technical problems relate to business processes including the business process (Specification page 3, line 4-29 and page 12, line 19 through page 13, line 1.), instructions for quantifying, using the mapping, business losses due to particular technical failures (Specification page 3, line 4-29 and page 12, line 19 through page 13, line 1.), and instructions for developing an end-to-end business process event management platform. (Specification page 3, line 4-29 and page 14, lines 2-11.)

Applicants' independent claim 13 describes a system having means for integrating information technology components into a single end-to-end application. (Specification page 3, line 4-29.) The system includes: means for decomposing a business process into a set of enabling applications. (Specification page 3, line 4-29 and page 11, lines 10-31.) Means for documenting the technology elements and support organizations which are necessary to execute the enabling applications of the business process are included. (Specification page 3, line 4-29 and page 12, lines 2-13.) The system includes means for deploying required monitors for the business process enabling technology. (Specification page 3, line 4-29 and page 12, lines 2-13.) Means for developing the cross-platform contextual correlation logic and rules are included. (Specification page 3, line 4-29 and page 13, line 24 through page 14, line 33.) Means for mapping information technology severity to business impact severity are included (Specification page 3, line 4-29 and page 12, line 19 through page 13, line 1.), where the mapping describing how technical problems relate to business processes including said business process (Specification page 3, line 4-29 and page 12, line 19 through page 13, line 1.). The mapping is for quantifying business losses due to particular technical failures. (Specification page 3, line 4-29 and page 12, line 19 through page 13, line 1.) The system includes means for developing an end-to-end business process event management platform. (Specification page 3, line 4-29 and page 14, lines 2-11.)

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

GROUND OF REJECTION 1 (Claims 1-18)

Claims 1-18 stand finally rejected under 35 U.S.C. § 102(e) as being anticipated over U.S. Patent 6,226,792 issued to *Goiffon*.

ARGUMENT

The Examiner objected to claims 7 and 13 because of informalities. A Response to Office Action is filed herewith to correct these informalities. Therefore, these objections are not discussed further herein. The appendix of the claims reflects the claims as they are pending after these informalities have been corrected.

A. GROUND OF REJECTION 1 (Claims 1-18)

The Examiner rejected claims 1-18 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,226,792 issued to *Goiffon*. This position is not well founded.

Goiffon does not teach technology severity, business impact severity, mapping information technology severity to business impact severity, technical problems, the mapping describing how technical problems relate to business processes, business losses, quantifying business losses due to particular technical failures, or using the mapping to quantify business losses due to particular technical failures. Therefore, *Goiffon* does not anticipate Applicants' claims.

Goiffon teaches mapping concepts stored in an application domain to software constructs that exist in a technology domain. Asset elements describe software components, such as programs, databases, and tables, that exist in a technology domain. Locator elements store information about an application or business objective. An example application is "banking" or "mortgages".

An asset element stores data that describes its "relationship" with other asset elements. A locator element stores data that describes its "relationship" with other locator elements. This "relationship" data describes whether one element is connected to another. This "relationship" is essentially a pointer to another element. Thus, one element may point to another. When one element points to another, it is "related" to that other element.

In addition, "relationships" are defined among asset elements and locator elements. The "relationship" that is defined between asset elements and locator elements again is whether one element points to another. The "relationship" can then be used to traverse from one element to another. The relationship described by *Goiffon* does not describe in what way one element is

related to another, just that that they are.

For example, Figure 4 of *Goiffon* describes the "relationships" between elements. "One manner of representing relationships between elements is by including pointers to the various related elements within the meta-data stored within an element. That is, the element stores a relationship indicator such as a pointer that may be used to address a respectively related element. Those skilled in the art will recognize that many ways to represent the element relationships exist, such as by stored name indicators identifying the various related elements." Column 18, line 64 through column 19, line 6. As this section of *Goiffon* makes clear, the "relationship" is a pointer to another element. "By virtue of the subtype relationship represented by Line 625, each of these subtypes inherit the characteristics of element type "Locator Element" 608." Column 23, lines 19-22. This section of *Goiffon* explicitly defines a "relationship" as a "line".

Relationship types are also described with reference to Figure 6 of *Goiffon*. These types are, for example, "applies to", "child of", or "subtype". These relationship types, again, are just pointers. "Element type 'Application Domain' 618 has a relationship type of 'includes' 626 with element type 'Concept' 620, as is shown by Line 626. Element type of 'Concept' 620 has a relationship type of 'for' with element type of 'Word' 622, as is represented by Line 628. Element type of 'Word' 622 has a relationship of type 'of' 630 with element type of 'Word Variant' 624, as indicated by Line 630. Finally, the element type 'Concept' 620 may be related to itself via a binary relationship of type 'child of' as indicated by Line 621." Column 23, lines 26-36. As described in this section, the "types" are still just pointers to other elements.

These "relationship" pointers among elements are used to map elements in the application domain to elements in the technology domain. Figures 8A and 8B of *Goiffon* describe mapping between the application domain and technology domain by describing mapping between asset and locator elements. However, this "mapping" between technology domain elements and application domain elements is just another pointer from one element to another. "Figure 8 illustrates an instance of relationship type 'applies to' existing between concept element 'Mortgage' 704 and program element "LoanStatements' 812, ***as shown by Line 840*** [emphasis added]." Column 26, lines 9-12. Thus, the "applies to" relationship is a pointer, shown by lines in the drawings, from one element to another.

Applicants claim "mapping information technology severity to business impact severity". *Goiffon* does not describe information technology severity at all. The technology elements taught by *Goiffon* represent programs, databases, or tables. Nothing in *Goiffon* teaches the technology elements describing information technology severity in any way. Because *Goiffon* does not teach technology severity, *Goiffon* does not anticipate Applicants' clams.

Goiffon does not describe business impact severity at all. The application elements taught by *Goiffon* represent banking statements, loans, 15-year mortgages, or checking statements, for example. Nothing in *Goiffon* teaches the application elements describing business impact severity in any way. Because *Goiffon* does not teach business impact severity, *Goiffon* does not anticipate Applicants' clams.

Because *Goiffon* does not teach either information technology severity or business impact severity, *Goiffon* does not teach mapping information technology severity to business impact severity. Because *Goiffon* does not teach mapping information technology severity to business impact severity, *Goiffon* does not anticipate Applicants' clams.

Regarding mapping information technology severity to business impact severity, the Examiner refers to the relationship type "applies to" between concept 620 and asset element 606. The Examiner further states that "It is inherent that if the software constructs are malfunctioning, then the corresponding Asset Elements, which can be viewed in the Element Viewers 144 would malfunction, which would lead to business losses due to particular technical failures." Examiner's Final Action pages 4-5. The Examiner refers to no part of *Goiffon* that teaches either information technology severity or business impact severity. *Goiffon* does not anticipate Applicants' claims because *Goiffon* does not teach information technology severity or business impact severity.

Applicants claim "said mapping describing how technical problems relate to business processes including said business process". As discussed above, the "mapping" among elements that is taught by *Goiffon* is a pointer from one element to another. The "mapping" taught by *Goiffon* does not describe how technical problems relate to business processes. The "mapping" taught by *Goiffon* teaches merely that one element points to another.

Further, nothing in *Goiffon* teaches anything about technical problems. The Examiner refers to no part of *Goiffon* that teaches anything about technical problems. The Examiner

merely states, on pages 4-5 of the Examiner's Final Action the if the software constructs malfunctioned, the corresponding asset element would malfunction. However, nothing in *Goiffon* even suggests that a software construct might malfunction. The Examiner is reading something into *Goiffon* that is not there. *Goiffon* does not suggest, and certainly does not teach, malfunctioning software. Therefore, *Goiffon* does not anticipate Applicants' claims.

The Examiner goes on to read even more into *Goiffon* that is not suggested or even taught by *Goiffon*. The Examiner states that if the software construct were to malfunction, then the asset element would malfunction. This is not taught or suggested by *Goiffon*. In fact, it seems very likely that that this situation would not occur in *Goiffon*. The asset element is a representation of a software construct. It is not the software itself. Just because the underlying software malfunctions does not mean that the asset element would malfunction. The underlying software could malfunction while the asset element remains functioning normally.

Goiffon does not teach or suggest "said mapping describing how technical problems relate to business processes including said business process". Therefore, *Goiffon* does not anticipate Applicants' claims.

Applicants claim "quantifying, using said mapping, business losses due to particular technical failures". *Goiffon* does not teach business losses at all. Again, the Examiner relies on the comment on pages 4-5 that "It is inherent that if the software constructs are malfunctioning, then the corresponding Asset Elements, which can be viewed in the Element Viewers 144 would malfunction, which would lead to business losses due to particular technical failures." The Examiner's statement is not prior art. *Goiffon* does not teach business losses. Therefore, *Goiffon* does not anticipate Applicants' claims.

Goiffon does not teach quantifying business losses due to particular technical failures. Nothing in *Goiffon* teaches or even suggests quantifying business losses at all. The Examiner refers to no prior art that teaches quantifying business losses. Because *Goiffon* does not teach quantifying business losses due to particular technical failures, *Goiffon* does not anticipate Applicants' claims.

Goiffon does not teach using the mapping to quantify business losses due to particular technical failures. Nothing in *Goiffon* teaches or even suggests using mapping to quantify business losses due to particular technical failures. The Examiner refers to no prior art that

teaches using the mapping to quantify business losses due to particular technical failures. Because *Goiffon* does not teach using the mapping to quantify business losses due to particular technical failures, *Goiffon* does not anticipate Applicants' claims.

B. CONCLUSION

Applicants' claims are believed to be patentable over the prior art because the prior art does not teach or even suggest technology severity, business impact severity, mapping information technology severity to business impact severity, technical problems, the mapping describing how technical problems relate to business processes, business losses, quantifying business losses due to particular technical failures, or using the mapping to quantify business losses due to particular technical failures. Therefore, *Goiffon* does not anticipate Applicants' claims.

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CLAIMS APPENDIX

The text of the claims involved in the appeal reads:

1. A method for integrating information technology components into a single end-to-end application, comprising:

decomposing a business process into a set of enabling applications;

documenting the technology elements and support organizations which are necessary to execute and manage the enabling applications of the business process;

deploying required monitors for the business process enabling technology;

developing cross-platform contextual correlation logic and rules;

mapping information technology severity to business impact severity, said mapping describing how technical problems relate to business processes including said business process;

quantifying, using said mapping, business losses due to particular technical failures; and

developing an end-to-end business process event management platform.

2. The method according to claim 1, wherein the step of decomposing the business process further comprises developing an application model which describes the interactions, interdependencies and interfaces of all the business process enabling applications.

3. The method according to claim 1, further comprising building a business system management configuration database.

4. The method according to claim 1, further comprising integrating the business process event management platform into a preexisting event management process.

5. The method according to claim 4, further comprising integrating the platform at both the business and technology level through a defined input/output event management interface.

6. The method according to claim 1, wherein the event management platform is developed across two or more separate business entities.

7. A computer program product in a computer readable medium, for use in a data processing system, for integrating information technology components into a single end-to-end application, comprising:

instructions for decomposing a business process into a set of enabling applications;

instructions for documenting the technology elements and support organizations which are necessary to execute and manage the enabling applications of the business process;

instructions for deploying required monitors for the business process enabling technology;

instructions for the development of cross-platform contextual correlation logic and rules;

instructions for mapping information technology severity to business impact severity, said mapping describing how technical problems relate to business processes including said business process;

instructions for quantifying, using said mapping, business losses due to particular technical failures; and

instructions for developing an end-to-end business process event management platform.

8. The computer program product according to claim 7, wherein the instructions for decomposing the business process further comprise instructions for developing an application model which describes the interactions, interdependencies and interfaces of all the business process enabling applications.

9. The computer program product according to claim 7, further comprising instructions for building a business system management configuration database.

10. The computer program product according to claim 7, further comprising instructions for integrating the business process event management platform into a preexisting event management process.

11. The computer program product according to claim 10, further comprising instructions for integrating the platform at both the business and technology level through a defined input/output event management interface.

12. The computer program product according to claim 7, wherein the event management platform is developed across two or more separate business entities.

13. A system having means for integrating information technology components into a single end-to-end application, comprising:

means for decomposing a business process into a set of enabling applications;

means for documenting the technology elements and support organizations which are necessary to execute the enabling applications of the business process;

means for deploying required monitors for the business process enabling technology;

means for developing the cross-platform contextual correlation logic and rules;

means for mapping information technology severity to business impact severity, said mapping describing how technical problems relate to business processes including said business process;

using said mapping for quantifying business losses due to particular technical failures; and

means for developing an end-to-end business process event management platform.

14. The system according to claim 13, wherein the means for decomposing the business process further comprise means for developing an application model which describes the interactions, interdependencies and interfaces of all the business process enabling applications.

15. The system according to claim 13, further comprising means for building a business system management configuration database.

16. The system according to claim 13, further comprising means for integrating the business process event management platform into a preexisting event management process.

17. The system according to claim 16, further comprising means for integrating the platform at both the business and technology level through a defined input/output event management interface.

18. The system according to claim 13, wherein the event management platform is developed across two or more separate business entities.

EVIDENCE APPENDIX

There is no evidence to be presented.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings.